

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF OKLAHOMA

MATTHEW W. BARNETT, pro se
Plaintiff

CIV-20-118

-VS-

CASE NO.

JESUS HOUSE,
MIKE BATEMAN
and
JOHN DOE, et al.
Defendants.

FILED

FEB 10 2020

CARMELITA REEDER SHINN
CLERK, U.S. DISTRICT COURT

BY

DEPUTY

HE

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff

Matthew W. Barnett Apt 112
437866 E. HWY 60
Vinita Craig County
Oklahoma 74301

B. The Defendants

Defendant No. 1

Jesus House

A drug rehab, mental health facility
a homeless assistance

1335 W. Sheridan Ave

Oklahoma City, Oklahoma County

Oklahoma 73106

Defendant No. 2

Mike Bateman

Executive Director of Jesus House

1335 W. Sheridan Ave

Oklahoma City, Oklahoma County

Oklahoma 73106

Defendant No. 3

John Doe

Caregiver employed by Jesus House

John Doe will properly be named

through discovery

1335 W. Sheridan Ave

Oklahoma City, Oklahoma County

Oklahoma 73106

II. Basis for Jurisdiction

The basis for Federal question jurisdiction

A. Jurisdiction is a Federal question

The specific Federal Statute involves Title III of the American Disability Act ("ADA"). Defendant Jesus House offers private bus ("PUBLIC") rides is a homeless shelter which offers help for the homeless, drug addicts and persons with a mental illness. These along with other services are public accommodations.

B. Jurisdiction of Pendent Party.

The specific Pendent Party Jurisdiction is brought before this Court's power to adjudicate this claim against Defendants who would otherwise not be subject to the jurisdiction of this Federal Court, because the claim arose from a common nucleus of operative fact. In other words the Plaintiff's state claim against Defendants as it is related closely enough to his federal claim, the same as supplemental jurisdiction. The Plaintiff will show his disability rights were denied public accommodations.

1. The Amount in Controversy

The amount in Controversy—the amount the Plaintiff claims the Defendants owe or the amount at stake—is more than \$75,000, not counting interest and Cost of Court.

III. Statement of Claim

Plaintiff proceeds pro se and is now left to fend for himself. Accordingly, "pro se Complaint[s] however inartfully pleaded, [are] held to 'less stringent standards' than formal pleadings drafted by lawyers." Haines v. Kerner, 404 U.S. 519.

1. Upon proper discovery Plaintiff will give proper dates, however, at this time to the best of Plaintiff memory contends that on or around August 3rd, 2019 he was admitted into The Family & Children's Services Crisiscare for among other relevant medical reasons thoughts of suicide, emotional distress, mental anguish and homelessness. It is also worth noting that the Family & Children's Services Crisiscare in part diagnosed Plaintiff to be that of depression with loss of interest in activities. The Crisiscenter stated this could lead further to physical, social and emotional harm.

2. It must be noted that after the Family & Children's Crisiscare Center located another Crisis facility to transfer Plaintiff. This took around 6 days. It must be noted upon discovery the proper name of this mental health facility will be given along with exact dates. However, let it be known after around 6 days at this second Crisis Center which is located in Oklahoma City, Oklahoma Plaintiff's case manager and caregivers asked Plaintiff if he would be willing to transfer ~~to~~ to the Jesus House (Defendants). Before commitment he requested written information about the Jesus House (Defendants).

3. Plaintiff received Jesus House (Defendants') written Community Services which they offer to the Community. Jesus House (Defendants) is a recovery program for men and women experiencing homelessness, addiction and mental health issues. They offer to be a life Transformation Program and state connecting resident-guests with medical services, mental stability, medical care prescription assistance and counseling. In addition they state our resident-guests must be functioning adults capable of living in our facility, taking their own medications as prescribed by their own physicians and attending social services and medical appointments scheduled by case managers (caregivers) from outside organizations. To do this they offer the necessary ride to do so. It must be noted these are public accommodations under ADA.

Plaintiff was denied all these public accommodations and denied his rights as found under Title III of the American Disability Act ("ADA"). The Jesus House ("Defendants") is in fact and law a place of public accommodation through discovery facts will establish much more. It is important to call The Jesus House ("Defendants") appropriately a "system" of services.

STATEMENT OF FACTS

On or around September 1, 2019 Plaintiff did accept Defendant's system of services. He was given a ride to the Jesus House ("Defendants"). He was taken into their in-take room along with his medication and clothes. Defendants employees immediately took all his medications and clothes. These employees for Defendant stated they will hold on to all his medication and issue it out based on what the prescription bottle states. These employees stated they will make sure he get to his Doctors appointments, make sure his medications are refilled, make sure he gets to his social service appointments, they will help him with his mental health issues and offer safety plans for his seizures. Plaintiff was given the top bunk which is five feet off the ground.

When Plaintiff first entered into the Defendant's program he had a 3 week supply of all

his prescription meds. In between those 3 weeks Plaintiff had made prior appointments to see a Doctor so his prescriptions would be refilled on time. He also had appointments with mental health to help him with homelessness, stress, physical, emotional and psychological problems.

After about 3 weeks into the program he ran out of all his medications. Plaintiff told Defendant John Doe prior to that, that he would be out of his medication and has already made appointments to see a Doctor and other outside organizations to get the help he needed.

On the day he was to get a ride to have his medications refilled and see mental health about his suicidal thoughts, Defendant John Doe called Plaintiff to his office and stated to Plaintiff he was not going to let him go, he was not given the ride needed to do what needed done on that day. Defendant John Doe stated he won't let Plaintiff receive such services for another 5 days. At that time Plaintiff explained his Phenyton keeps him from having seizures and without that medication he will have a seizure. Defendant John Doe simply stated "You can't go." At that point Plaintiff stated he will get himself to his appointments. Defendant John Doe stated if you do he will remove Plaintiff

from the program and will not have a place to stay. Plaintiff's anxiety started building up, he became fearful of a seizure, became depressed, stress built up, knowing he now was going to be homeless again just because he needed medical treatment. Plaintiff prior injuries that got him admitted into the Family & Childrens Crisis Center started up again. Based on Plaintiff's known past seizures and the thoughts of fear he was having he left at midnight one day later.

Plaintiff had to go rent a motel so he could make calls for medical care. Three days cost of a motel plus a cab ride cost him \$200. On the 3rd day Plaintiff had a seizure and was admitted through the emergency room. After hours in the ER bed Plaintiff was then admitted into the hospital for suicidal thoughts.

Plaintiff believes because of his disability Defendant John Doe refused him services and accommodations which Defendant Jesus House offer. Plaintiff sustained a traumatic brain injury in 2004 as a result of his traumatic brain injury he has difficulty in communication with others who are not trained to treating people with such brain injuries. Be that as it may, that did not give Defendant John Doe any right to deny services or accommodations to Plaintiff.

Plaintiff contends Defendant Jesus House and other Defendants and employees which are employed by the Defendant Jesus House took on the legal duty as a caregiver,

It is important to know that the allegations made within his statement of claim and statement of facts arose to the level of state and federal claims. In other words arose from a common nucleus of operative facts. It is for all these facts Plaintiff contends each count hereinbelow each are state and federal claims. Plaintiff alleges the following:

COUNT I
NEGLIGENCE

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count I states alleges and avers as follows, TO WIT:

1. Plaintiff restates, re-alleges and recovers each and every allegation contained within his statement of claim and statement of facts as if set forth more fully herein in heca Verba and in addition alleges,

2. Plaintiff contends when reading the services that Defendant Jesus House offers to resident-guests they then take on the responsibility

of a Caregiver,

3. Defendants as a Caregiver offer;
 - (A) Assess medical needs;
 - (B) Assist with basic needs;
 - (C) Monitor Medications;
 - (D) Prepare a Care plan;
 - (E) Transportation to Doctors, Mental Health, and Pharmacy just to state a few;
 - (F) Completing errands.

It must be noted Defendant John Doe failed in their duties when he refused to let Plaintiff get a ride to his Doctor, refill his seizure and high blood pressure medications. This also says Plaintiff was denied public accommodations.

4. Defendant Jesus House holds themselves up to be a recovery program and is specifically tailored to meet the "needs" of men and women who are experiencing homelessness, mental illness, addiction and other needs alleged hereabove, para 3 (3) (A) thru (F). When Defendant John Doe refused to let Plaintiff see a Doctor and get his seizure and high blood pressure medication Defendants then became negligent and failed in their expectations. As a direct and proximate result Plaintiff sustained a Grand Mal Seizure.

5. Defendants neglecting their duties caused Plaintiff to fall back into depression, fear, worry, fright, hopelessness, stress and repeated thoughts of suicide. Plaintiff ended up in a hospital emergency room and then admitted into their mental health rooms with suicidal thoughts.

6. Plaintiff contends Defendant John Doe neglected his caregiver duties, his employment duties owed the Plaintiff which did cause harm and injuries to the Plaintiff as stated in paragraphs three (3)-(A) thru (F) thru Five (5).

7. Defendants Jesus House and Defendant Mike Bateman are liable for Defendant John Doe's acts of omission under respondeat superior as well as vicarious liability for Defendant John Doe's omissions. Furthermore, Defendants Jesus House and Defendant Mike Bateman knew or should have known of Defendant John Doe's acts of omission through Plaintiff's filing a hand written grievance on the date he was denied a ride to get his medications refilled.

8. Defendants Jesus House and Defendant Mike Bateman failed to have Defendant John Doe trained in caregiving and to help with the needs of Plaintiff.

9. It must be noted Plaintiff is now and was during all time relevant an elderly at age 60 and on Social Security Disability relying on Defendants Care for his basic lifes needs,

10. Plaintiff contends that the fact he was denied public services as he expected to receive from Defendants constitutes both state and Federal claims, To WIT:

(A) withholding medical treatment,

This primary goal of medical treatment is to benefit the Plaintiff by restoring or maintaining the Plaintiff's health as far as possible, maximising benefits and minimising harm; withholding of treatment is a decision to allow a disease to follow its natural course, which in this case is a foreseeable seizure which may result in Plaintiff's death;

(B) Defendants each owed Plaintiff a fiduciary duty as an legal and/or ethical relationship of trust and to take care of Plaintiff's medical needs, Defendants had an obligation to do what they say they will do.

In other words Defendants fiduciary responsibility refers to the obligation that Defendants has in relationship with Plaintiff to act entirely on the Plaintiff's behalf and best interest,

(c) Medical Negligent is a Substandard care that's been provided by Defendant John Doe to the Plaintiff, which has directly caused his seizure (an injury) and the same caused an existing condition to get worse (i.e., Plaintiff thoughts of suicide, depression, homelessness and more emotional and mental pain and suffering). The 3 elements of a negligence claim are:

(i) Duty - The defendant owed a legal duty to the plaintiff under the circumstances;

(ii) Breach - The defendant breached that legal duty by acting or failing to act in a certain way;

(iii) Causation - It was the defendant's actions (or inactions) that actually caused plaintiff's injury (i.e., seizure).

Example: A mother fails to help her child cross the street. If the child strays into traffic and is injured, the mother's inaction is negligent in causing harm to the child. Here Defendants failed to get Plaintiff his seizure medication, Plaintiff became fearful of a seizure and in fact had a seizure, Defendants' inactions is negligence.

It must be noted a duty of care is a legal obligation which is imposed on an individual requiring adherence to a standard of reasonable care while performing any act that could foreseeably harm others. It is the first element that must be established to proceed with an action in negligence.

Plaintiff's Grand Mal seizures cause him to fall to the ground, cause violent muscle contractions, loss of consciousness, body stiffens, jerking, shaking and hits his head against everything around him. Defendants let that happen.

Furthermore, Defendants actions and/or inactions establish adult, elderly and medical abuse in that they failed to provide a health care plan and/or any sort of safety precautions which will be more fully alleged hereinbelow in additional Courts.

THEREFORE, Plaintiff can prove negligence against Defendants. This Court will find and recognize

all elements to his negligence action; duty, breach, proximate cause and injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment against each Defendant jointly, severally and individually in the following manner, TO WIT:

1. Plaintiff request actual compensatory damages in the sum which will later be shown through medical bills for;

- (A) Emergency medical bills;
- (B) Hospital bills;
- (C) Medical treatment bills;
- (D) Doctor bills;
- (E) Rehabilitation bills;
- (F) Ambulance bills.

2. Plaintiff request \$75,000, in general damages for;

- (A) Loss of enjoyment for life;
- (B) Pain and suffering for seizures;
- (C) Mental and emotional anguish;
- (D) Emotional distress;
- (E) Emotional trauma;

- (F) Fear, Fright, anger, worry, loss of sleep;
- (G) Failure to train;
- (H) Negligent caregiver;
- (I) Breach of Contract and agreement;
- (J) Intentional Violation of Title III of The Americans Disability Act (ADA);
- (K) Creating homelessness;
- (L) Denied public services and accommodations.

3. Plaintiff request \$75,000, in punitive damages

- (A) To punish Defendants for their outrageous conduct and/or to reform or deter the Defendants and others from engaging in conduct similar to that which formed the basis of this lawsuit.

COUNT II

WITHHOLDING MEDICAL TREATMENT

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count II States, alleges and avers as follows, To WIT:

11. Plaintiff restates, realleges and reavers each and every allegation contained within his statement of claim, his statement of facts and para two (2); para three (3) - (A) thru (F); para four (4); and para five (5) of Count I as if set forth morefully herein in heca verba and in addition alleges:

12. Plaintiff contends Defendant John Doe's withholding medical treatment for him is the direct and proximate cause of his Grand Mal seizure, his emotional, mental and physical injuries and damages morefully stated in para five (5) of Count I.

13. Plaintiff contends that Defendant John Doe's actions and/or inactions as alleged for Count II caused Plaintiff's depression, mental and emotional stress, brought about his homelessness which brought back thoughts of suicide and all other physical, emotional, mental and injuries which brought about his prior admission into the Family and children's Crisiscare Center in Tulsa, Oklahoma. In other words a reoccurring injury.

14. Defendants Jesus House and Defendant Mike Bateman are liable for Defendant John Doe's acts of ommission under respondeat superior as

will as Vicarious Liability For Defendant John Doe's omissions.

15. That withholding medical treatment is the primary goal of medical treatment is to benefit the Plaintiff by restoring or maintaining the Plaintiff's health as far as possible, maximising benefits and minimising harm. Defendants did just the opposite.

Withholding of treatment is a decision to allow a disease to follow its nature course. In other words to intentionally refuse Plaintiff to have his seizure medication is to allow Plaintiff to have a seizure.

(A) Plaintiff contends all the above constitute both a State and Federal claim,

THEREFORE, Plaintiff can prove Withholding medical treatment, resulting in injury and damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment against

each Defendant jointly, severally and individually in the following manner, To WIT:

1. Plaintiff request actual Compensatory damages in the sum which will later be shown through medical bills for:

- (A) Emergency medical bills;
- (B) Hospital bills;
- (C) Medical treatment bills;
- (D) Doctor bills;
- (E) Rehabilitation bills;
- (F) Ambulance bills.

2. Plaintiff request \$75,000, in general damages for:

- (A) Loss of enjoyment of life;
- (B) Pain and Suffering for Seizures;
- (C) Mental and emotional anguish;
- (D) Emotional distress;
- (E) Emotional trauma;
- (F) Fear, Fright, anger, worry, loss of sleep;
- (G) Failure to train;
- (H) Negligent Caregiver;
- (I) Breach of Contract and agreement;
- (J) Intentional Violation of Title III of The Americans Disability Act (ADA);

- (K) Creating homelessness;
- (L) Denied public services and accommodations.

3. Plaintiff request \$75,000, in punitive damages;

- (A) To punish Defendants for their outrageous conduct and/or to reform or deter the Defendants and others from engaging in conduct similar to that which formed the basis of this lawsuit.

COUNT III ADULT AND/OR ELDERLY ABUSE

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count III, states, alleges and avers as follows, To WRT:

16. Plaintiff restates, realleges and reavers each and every allegation contained within his Statement of Claim, his Statement of Facts and para two (2); para three (3) - (A) thru (F); para four (4); para five (5); para six (6); para seven (7); para eight (8); and para nine (9) of Count I; in addition para twelve (12); para thirteen (13); para fourteen (14) and para fifteen (15) ^(A) of Count II as if set forth

morefully herein in heca Verba and in addition alleges:

12. Plaintiff contends that adult and/or elderly abuse is an intentional act, or failure to act, by a caregiver or another person in a relationship involving an expectation of trust that causes or creates a risk of harm to an older adult/elderly. (An older and elderly adult is defined as someone age 60 or older). Defendant John Doe has committed adult and/or elderly abuse.

18. Furthermore, Defendants each failed to provide a health care plan and/or any sort of safety precautions. In addition Plaintiff incorporates para Fourteen (14) of Count II.

THEREFORE, Plaintiff can prove adult/elderly abuse, resulting in injury and damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment against each Defendant jointly, severally and individually in the following manner, To WIT:

1. Plaintiff request actual compensatory damages in the sum which will later be shown through

medical bills for:

- (A) Emergency medical bills;
- (B) Hospital bills;
- (C) Medical treatment bills;
- (D) Doctor bills;
- (E) Rehabilitation bills;
- (F) Ambulance bills.

2. Plaintiff request \$75,000, in general damages for:

- (A) Loss of enjoyment of life;
- (B) Pain and suffering for seizure;
- (C) Mental and emotional anguish;
- (D) Emotional distress;
- (E) Emotional trauma;
- (F) Fear, fright, anger, worry, loss of sleep;
- (G) Failure to train;
- (H) Negligent Caregiver;
- (I) Breach of Contract and agreement;
- (J) Intentional Violation of Title III of The Americans Disability Act (ADA);
- (K) Creating homelessness;
- (L) Denied public services and accommodations.

3. Plaintiff request \$75,000 in punitive damages:

(A) To punish Defendants for their outrageous conduct and/or to reform or deter the Defendants and others from engaging in conduct similar to that which formed the basis of this lawsuit.

COUNT IV

BREACH OF FIDUCIARY DUTY

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count IV, states, alleges and avers as follows, To WIT:

19. Plaintiff restates, realleges and reavers each and every allegation contained within his Statement of Claim, his Statement of facts and para two (2); para three (3) - (A) thru (F), para four (4); para five (5); para six (6); para seven (7); para eight (8) and para nine (9) of Count I; in addition para twelve (12); para thirteen (13); para fourteen (14) and para fifteen (15) - (A) of Count II and para seventeen (17) of Count III as if set forth more fully herein in heca verba and in addition alleges:

20. Plaintiff contends a fiduciary duty

as an legal and/or ethical relationship of trust and to take care of Plaintiff's medical needs, Defendant John Doe had an obligation to do what Defendants say they will do. In other words Defendants Fiduciary responsibility refers to the medical obligation that Defendants had in relationship with Plaintiff to act entirely on the Plaintiff's behalf and best interest and the Facts are they failed to do so.

2h That as a direct and proximate result of Defendants actions and/or inactions Plaintiff had a seizure and sustained injuries and damages. Plaintiff became depressed, sustained mental and emotional stress, resulting in homelessness and brought on suicide thoughts. Plaintiff was then hospitalized. In addition Plaintiff incorporates para fourteen (14) of Count II.

THEREFORE, Plaintiff can prove Breach of Fiduciary duty resulting in injury and damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment against each Defendant jointly, severally, and individually in the following manner, To WRT:

1. Plaintiff request actual Compensatory damages in the sum which will later be shown through medical bills for:

- (A) Emergency medical bills;
- (B) Hospital bills;
- (C) Medical treatment bills;
- (D) Doctor bills;
- (E) Rehabilitation bills;
- (F) Ambulance bills.

2. Plaintiff request \$75,000, in general damages for:

- (A) Loss of enjoyment of life;
- (B) Pain and suffering for Seizures;
- (C) Mental and emotional anguish;
- (D) Emotional distress;
- (E) Emotional trauma;
- (F) Fear, fright, anger, worry, loss of sleep;
- (G) Failure to train;
- (H) Negligent Caregiver;
- (I) Breach of Contract and agreement;
- (J) Intentional Violation of Title III of the Americans Disability Act (ADA);
- (K) Creating homelessness;
- (L) Denied public services and accommodations.

3. Plaintiff request \$ 75,000, in punitive damages:

(A) To punish Defendants for their outrageous conduct and/or to reform or deter the Defendants and others from engaging in conduct similar to that which formed the basis of this lawsuit

COUNT V
MEDICAL NEGLIGENCE

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count V, states, alleges and avers as follows, To WIT:

22. Plaintiff restates, realleges and reavers each and every allegation contained within his Statement of Claim, his statement of facts and para two (2); para three (3); - (A) thru (F), para four (4); para five (5); para six (6); para seven (7); para eight (8); and para nine (9) of Count I, in addition para twelve (12); para thirteen (13); para fourteen (14) and para fifteen (15) (A) of Count II and para seventeen (17) of Count III, para twenty (20) and twenty one (21) of Count IV as it set forth more fully herein in heca verba and in addition alleges:

23. Plaintiff contends Defendant John Doe's actions and/or inactions establish medical neglect as alleged within an allegation referred to in paragraph twenty two (22) hereabove Count V.

24. Defendant John Doe owed a legal duty to Plaintiff under circumstances.

25. Defendant breached that legal duty by neglecting Plaintiff's medical needs such as refusing to let Plaintiff get their ("Defendants") ride to his Doctor, get his seizure medication refilled and his high blood pressure medication.

26. Defendants medical neglect just alleged hereabove, paragraph twenty five (25) caused Plaintiff to have a seizure.

27. Plaintiff contends medical neglect is a substandard care that be provided by Defendants to the Plaintiff, which has directly caused Plaintiff's seizure and injury. Furthermore, the same caused an existing condition to get worse, thus Plaintiff's fear, worry, anger and suicidal thoughts all of which did reoccur.

28. Plaintiff contends the 3 elements of medical neglect are properly stated.

29. Defendants Jesus House and Defendant Mike Bateman failed to have Defendant John Doe trained as a caregiver.

30. Plaintiff contends that the fact he was denied public services and accommodations as he expected from Defendants establish medical neglect, violation of his rights under Title III of the Americans Disability Act (ADA) and establish a federal and state claim.

31. Plaintiff contends Defendant John Doe withholding medical treatment is in fact medical neglect and is the direct cause of his seizure, his emotional, mental and physical injuries and damages.

32. Plaintiff contends that Defendant John Doe's actions and/or inactions caused his depression, stress, caused his homelessness and brought on his existing injuries of suicidal thoughts. In addition Plaintiff incorporates paragraph Fourteen (14) of Count II.

THEREFORE, Plaintiff can prove medical neglect resulting in injury and damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment against each Defendant jointly, severally and individually in the following manner, To WIT:

1. Plaintiff request actual compensatory damages in the sum which will later be shown through medical bills for:

- (A) Emergency medical bills;
- (B) Hospital bills;
- (C) Medical treatment bills;
- (D) Doctor bills;
- (E) Rehabilitation bills;
- (F) Ambulance bills

2. Plaintiff request \$75,000, in general damages for:

- (A) Loss of enjoyment of life;
- (B) Pain and suffering for Seizures;
- (C) Mental and emotional anguish;
- (D) Emotional distress;
- (E) Emotional trauma;
- (F) Fear, fright, anger, worry, loss of sleep;
- (G) Failure to train;

- (H) Negligent caregiving;
- (I) Breach of Contract and agreement;
- (J) Intentional Violation of Title III of the Americans Disability Act (ADA);
- (K) Creating homelessness;
- (L) Denied public services and accommodations.

3. Plaintiff request \$75,000, in punitive damages;

- (A) To punish Defendants for their outrageous conduct and/or to reform or deter the Defendants and others from engaging in conduct similar to that which formed the basis of this lawsuit.

COUNT VI

BREACH OF DUTY TO CARE

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count VI, states, alleges and avers as follows, To WIT:

33. Plaintiff restates, realleges and reavers each and every allegation contained within his statement of claim, his statement of facts and para two (2); para three (3) - (A) thru (F);

para four (4); para five (5); para six (6); para seven (7); para eight (8); and para nine (9) of Count I, in addition para twelve (12); para thirteen (13); para fourteen (14) and para fifteen (15)-(A) of Count II and para seventeen (17) of Count III, para twenty (20) and twenty one (21) of Count IV and paras twenty three (23) through thirty two (32) of Count V as if set forth more fully herein in heca Verba and in addition alleges:

34. A breach of duty of care occurs when one fails to fulfill his or her duty of care to act reasonably in some aspect. Upon reading all the allegations hereabove paras thirty one (31) and thirty two (32) of Count V it is clear Plaintiff has legal support for Count VI.

35. Plaintiff contends a breach of duty of care occurs when one fails to fulfill his or her duty of care to act reasonably in some aspect. It is a medical and legal fact Defendant John Doe refusing to ~~to~~ get his seizure medication is a failure to fulfill his duty of care. Furthermore he did not act reasonably.

36. Plaintiff contends when Defendants accepted him into their program they then took on a duty of care.

37. Defendant John Doe's conduct was wrongful, reckless and wantonly knowing his conduct was likely to cause Plaintiff to have a seizure,

likely to result in death and/or grievous bodily harm to Plaintiff. The same an intentional disregard of the safety for the Plaintiff.

38. Plaintiff incorporates adult and elderly abuse as alleged in Count ~~III~~ and Breach of duty to Care in Count VI in that Defendants intentional act, or failure to act shows Defendants did cause or create a risk of harm. Furthermore, Defendant John Doe failed to provide a health care plan and/or any sort of safety precautions.

39. Defendant Jesus House and Defendant Mike Bateman failed to have Defendant John Doe trained in the duty of care.

40. Plaintiff contends that the fact he was denied public services and accommodations they violated Title III of The Americans Disability Act (ADA) and breach their duty of care.

41. Defendants Jesus House and Defendant Mike Bateman are liable for Defendant John Doe's acts of omission under respondeat superior as well as vicarious liability for Defendant John Doe's acts of omissions.

THEREFORE, Plaintiff can prove breach of duty to Care resulting in injury and damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment against each Defendant jointly, Severally and individually in the following manner, TO WIT:

1. Plaintiff request actual compensatory damages in the sum which will later be shown through medical bills for:

- (A) Emergency medical bills;
- (B) Hospital bills;
- (C) Medical treatment bills;
- (D) Doctor bills;
- (E) Rehabilitation bills;
- (F) Ambulance bills

2. Plaintiff request \$75,000, in general damages for:

- (A) Loss of enjoyment of life;
- (B) Pain and Suffering for seizures;
- (C) Mental and emotional anguish;
- (D) Emotional distress;
- (E) Emotional trauma;
- (F) Fear, Fright, anger, worry, loss of sleep;
- (G) Failure to train;

- (H) Negligent Caregiver;
- (I) Breach of Contract and agreement;
- (J) Intentional Violation of Title III of the Americans Disability Act (ADA);
- (K) Creating homelessness;
- (L) Denied public services and accommodations.

3. Plaintiff request \$75,000, in punitive damages:

- (A) To punish Defendants for their Outrageous Conduct and/or to reform or deter the Defendants and others from engaging in Conduct similar to that which formed the basis of this lawsuit.

COUNT VII

RECKLESS ENDANGERMENT

COMES NOW the Plaintiff acting pro se and left to fend for himself for Count VII, states, alleges and avers as follows, TO WIT:

42 Plaintiff restates, realleges and reavers each and every allegation contained within his Statement of Claim, his statement of facts and para two (2); para three (3) - (A) thru (F);

parags four (4) thru nine (9) of Count I, in addition parags twelve (12) thru Fifteen (15)-(A) of Count II and parag Seventeen (17) of Count III, and parags twenty (20) and twenty one (21) of Count IV and parags twenty three (23) through thirty two (32) of Count V and parag thirty four (34) thru parag forty one (41) of Count VI as if set fourth morefully herein in heca Verba and in addition alleges:

43. Plaintiff contends each and every allegation refered to hereabove, parag forty two (42) is factual proof of their reckless endangerment.

44. Plaintiff contends Defendants did create a substantial risk of serious physical injury to the Plaintiff. By Defendants actions and/or inactions just refered to hereabove parag forty two (42), Defendants did act in a way that proves a disregard for the foreseeable consequences of their actions and/or inactions, thus Plaintiff's Grand Mal seizures.

45. Defendant's Conduct was wroful, reckless and wanton knowing the same was likely to produce death and/or grievances bodily harm to Plaintiff. The same is their intentional disregard of the safety for the Plaintiff.

IN CONCLUSION

Defendants Knew or should have known that Plaintiff's Grand Mal Seizures Cause violent muscle contractions, loss of consciousness, body stiffens, jerking, shaking and placing him on a bed bunk on the top which was 5 feet high off the ground would cause fear of falling, physical injury, and when not given his seizure medication or his high blood pressure medication he did fear physical harm which he or anyone should go through.

That within 24 hours of being denied public services and public accommodations which Defendants offer Plaintiff's emotional and mental state of mind to him to leave and seek outside medical attention.

That it must be noted Plaintiff contends each Count hereinabove, Count I thru Count VII support Federal and state claims.

Respectfully submitted,
By: Matthew W. Barnett
Matthew W. Barnett
437866 E. HWY 60 Apt 112
Vinita, OK 74301

CERTIFICATE OF SERVICE

I, Matthew W. Barnett the Plaintiff hereby
states that on this 6TH day of February, 2020 ~~2~~
Caused to be served upon all Defendants a true and
correct copy of this Complaint for a Civil Case
by Certified mail, proper postage pre paid to the
address of 1335 Sheridan Ave Oklahoma City, OK
73106.

Respectfully requested,
By: Matthew W. Barnett
Matthew W. Barnett
Apt # 112
437866 E. Hwy 60
Vinita, OK 74301